

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHAN HUE,	:	
	:	
Plaintiff,	:	Civil No. 01-CV-1064
	:	
v.	:	(Judge Yvette Kane)
	:	
JAMES UPDIKE, et al.,	:	(Magistrate Judge, J. Andrew Smyser)
	:	
Defendants.	:	Filed Via Electronic Case Filing

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON THE  
FACTS**

Defendants, by and through their counsel, Marsha M. Davis of the Office of Chief Counsel, Pennsylvania Department of Corrections, hereby move this Court pursuant to Fed.R.C.P. 56, to recommend that their summary judgment motion be granted and that judgment be entered in their favor and against the Plaintiff based upon the Exhibits appended to this motion and for the reasons set forth in the supporting brief.

**WHEREFORE**, the Defendants' request that the Court recommend that their Motion for Summary Judgment on the Facts be granted and that judgment be entered in favor of these Defendant's and against the Plaintiff and that the Court is further requested to grant such other relief as may be necessary, just, and appropriate under the circumstances.

Respectfully submitted,

Office of General Counsel

BY: s/ Marsha Mills Davis

Marsha M. Davis

Assistant Counsel

Attorney I.D. No. 28018

Pennsylvania Department of

Corrections

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Dated: April 11, 2003

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**CERTIFICATE OF SERVICE**

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of Corrections Defendants' Motion for Summary Judgment on the Facts in the above-referenced matter.

Service by first-class mail  
addressed as follows:

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Dated: April 11, 2003